

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: Sub. H.B. 415 (LSC 122 0037-1)

DATE: June 18, 1997

STATUS: In House Local Government and Townships Committee

SPONSOR: Rep. Opfer

LOCAL IMPACT STATEMENT REQUIRED: No — No mandated costs in the introduced version

CONTENTS: County commissioners may prohibit manipulation of engine speed

State Fiscal Highlights

STATE FUND	FY 1997	FY 1998	FUTURE YEARS
Crime Victims Reparations Fund			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	- 0 -	- 0 -
GRF (for Public Defender)			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	- 0 -	- 0 -

- Any court cases that result from the new misdemeanor violations created in the bill will generate additional money for the above funds.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Counties			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	Potential increase	Potential increase
Townships			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential increase	Potential increase
Municipalities			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	Potential increase	Potential increase

- Potential increase in expenditures, associated with the enforcement of regulations, among counties and townships that choose to prohibit the manipulation of engine speeds on county or township roads.
- Potential gain in revenues among counties for fines and court costs received in association with the adjudication of cases. Counties could incur prosecution and incarceration costs.
- Potential increase in expenditures and gain in revenues among municipalities for the adjudication of the bill's provisions. **Note that the expenditures associated with municipalities are not permissible.**



Detailed Fiscal Analysis

The bill allows a board of county commissioners or a board of township trustees to prohibit the manipulation of engine speed and the transmission of a vehicle for the purpose of causing a reduction in speed if the manipulation also causes the vehicle to produce a noise equal to or greater than 75 decibels. The bill is permissive for townships and counties. Any costs for the enforcement of prohibitions put in place by boards of county commissioners or boards of township trustees would be absorbed by the initiating government. However, the costs for adjudication would be borne by the municipal or county court with jurisdiction. Prosecution and incarceration costs would be borne by the county for violations of both county and township resolutions. Therefore, some costs would be borne by governments not initiating action with regards to the bill's provisions. Finally, two state funds receive money from court cost imposed in both county and municipal courts.

Crime Victims Reparations Fund & State Public Defenders

The Crime Victims Reparations Fund and the State Public Defender both receive funds from the court costs which are assessed in both county and municipal courts and in courts of common pleas. The following chart delineates the amount of money received by both the Crime Victims Reparations Fund and the Public Defender.

Fund	Misdemeanors	Felonies
Crime Victims Reparations Fund	\$9	\$30
Public Defender	\$11	\$11

Because both of the above funds receive money assessed on a case-by-case basis, any increase in the total number of misdemeanor cases will increase the amount of money deposited into each of the above funds.

Local Revenue and Expenditures

Revenue. Additional court costs and fine revenues will be realized by counties and municipalities for any new violations adjudicated under the bill's provisions. Court costs in most municipal courts generally must be paid into the treasury of the municipal corporation in which the municipal court is located. However, in the case of county-operated municipal courts, court costs generally must be paid into the county treasury. Court costs collected in a county court must be paid into the county treasury.

One of the general rules for the distribution of fines in Ohio directs fines for violations of state law for deposit into the treasury of the county in which the municipal or county court is located. The fine amounts associated with different misdemeanors are displayed in the table below. The bill creates a fourth degree misdemeanor for the first violation of its provisions. All subsequent violations of the bill's provisions would result in a third degree misdemeanor violation.

Misdemeanors: Sentencing & Penalties

Offense Level	Maximum Sentence	Personal Fine	Organizational Fine
Misdemeanor - 1st Degree	6 months	up to \$1,000	up to \$5,000
Misdemeanor - 2nd Degree	90 days	up to \$750	up to \$4,000
Misdemeanor - 3rd Degree	60 days	up to \$500	up to \$3,000
Misdemeanor - 4th Degree	30 days	up to \$250	up to \$2,000
Minor Misdemeanor	No incarceration	up to \$100	up to \$1,000

Expenditures. There would be some court and enforcement costs and possibly some incarceration expenditures. The enforcement costs would be borne by the township or county choosing to implement the bill's provisions. However, adjudication costs would be borne by the county or municipality where any court cases were resolved. In the event of jail sentences being issued, those costs would be borne by the county.

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